

EXHIBIT L

Francesco Gallo

1/11/2008

1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

ESTER LORUSSO,

Plaintiff,

-against-

1:07 CV 03583-LBS

ALITALIA-LINEE AEREE ITALIANE, SpA,

Defendant.

-----x

DEPOSITION OF FRANCESCO GALLO

Friday, January 11, 2008

New York, New York

REPORTED BY:

Holly Hough

Francesco Gallo

1/11/2008

<p>1 Gallo 42</p> <p>2 Q. And he elected to take the retirement 3 package, the ERP, in 2005, correct?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And did you hire someone to replace him?</p> <p>6 A. Yes.</p> <p>7 Q. And that was you promoted Dursun Oksuz, 8 correct?</p> <p>9 A. Yes. Alitalia promoted with me.</p> <p>10 Q. It was your proposal, correct?</p> <p>11 A. Yes.</p> <p>12 Q. What were Mr. Dursun Oksuz's 13 qualifications for the position of vice president of 14 Regulatory Affairs?</p> <p>15 A. The biggest and the most important for me 16 was his ability and potential to learn and to grow.</p> <p>17 Q. To learn and to grow?</p> <p>18 A. To learn and grow, good potential, right. 19 And he studied law in Turkey, excellent in computer 20 science.</p> <p>21 Q. Was he the ideal candidate for the 22 position?</p> <p>23 A. No, but it was the best under the 24 circumstances.</p> <p>25 Q. Why was he a better candidate than Ester</p>	<p>1 Gallo 44</p> <p>2 company.</p> <p>3 Q. When was Mr. Oksuz promoted?</p> <p>4 A. I don't remember. Sometime in 2006.</p> <p>5 Q. February 2006?</p> <p>6 A. May very well be.</p> <p>7 Q. And didn't Ms. LoRusso take her position 8 in Cargo in April 2006?</p> <p>9 A. April 2006, I don't recall. Probably 10 prior than that.</p> <p>11 Q. All right. And do you recall that Ms. 12 LoRusso asked you if she could be considered for the 13 position of vice president of Regulatory Affairs?</p> <p>14 A. No.</p> <p>15 Q. If I told you that she makes that 16 allegation --</p> <p>17 A. Probably, probably.</p> <p>18 Q. Did you consider Ester LoRusso for that 19 position?</p> <p>20 A. At one point I did, I was thinking of, but 21 then again, it was Mr. Libutti's position that Ester 22 LoRusso was, in a way or another, going to be 23 terminated. Otherwise, there would have been other 24 jobs that Ester could have.</p> <p>25 Q. Let's just talk about --</p>
<p>1 Gallo 43</p> <p>2 LoRusso?</p> <p>3 A. When the position of Regulatory Affairs, 4 Ester LoRusso, if I don't recall, was still managing 5 director of GA 2000. It would have been a demotion 6 for her.</p> <p>7 Q. Didn't GA 2000 close in October of 2005?</p> <p>8 A. October of 2005, no, I don't think so.</p> <p>9 Q. You don't think it closed in 2005?</p> <p>10 A. No, it was closed in 2006.</p> <p>11 Q. Isn't that when you found Ester LoRusso a 12 job in Cargo as a director in 2006?</p> <p>13 A. Yes, therefore from GA, she was 14 transferred in Cargo, I believe, if I recall well, 15 2006.</p> <p>16 Q. You do not recall that there was a period 17 of four or five months that Ester LoRusso had 18 nothing to do because GA 2000 was closed and the 19 position in Cargo had not yet materialized?</p> <p>20 MR. KOCIAN: Objection.</p> <p>21 A. No. I remember especially during this 22 time Ester LoRusso was overloaded up to the ceiling 23 of her office in files and refunds and so forth 24 because of the upcoming official closing, as 25 procedural consequences of the closing of the</p>	<p>1 Gallo 45</p> <p>2 THE VIDEOGRAPHER: The tape ran out. We 3 went off the record at 11:06 a.m. 4 (A brief recess was taken.)</p> <p>5 THE VIDEOGRAPHER: This is the beginning 6 of tape two. We're back on the record at 11:18 7 a.m.</p> <p>8 Q. Okay. Do you remember what Ester LoRusso 9 said to you about her interest in the Regulatory 10 Affairs position?</p> <p>11 A. I don't remember.</p> <p>12 Q. Okay.</p> <p>13 A. But I believe that it was referred to me 14 of interest in the job by Mr. D'Oro. I'm not sure. 15 I don't know.</p> <p>16 Q. Did Mr. D'Oro recommend that you hire Ms. 17 LoRusso to the job of vice president, Regulatory 18 Affairs?</p> <p>19 A. No.</p> <p>20 Q. Did Mr. D'Oro, if you know, consider her 21 qualified for that position?</p> <p>22 MS. KURZON: Objection.</p> <p>23 MR. KOCIAN: Objection.</p> <p>24 MR. KORAL: I don't see what is 25 objectionable.</p>

12 (Pages 42 to 45)

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Francesco Gallo

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1	Gallo	46	1	Gallo	48
2	Q. If you know.		2	replacement.	
3	A. No.		3	A. Okay.	
4	Q. Do you know?		4	Q. He wanted you to hire a headhunter?	
5	A. He did not express any.		5	A. We did.	
6	Q. So you don't know whether he thought she		6	Q. In order to replace Mr. D'Oro?	
7	was qualified or not; is that right?		7	A. Yes.	
8	A. Right.		8	Q. As vice president of Regulatory Affairs?	
9	Q. Did you regard Mr. Oksuz as better		9	A. That is correct.	
10	qualified for vice president of Regulatory Affairs		10	Q. And you did engage such a headhunter?	
11	than Ms. LoRusso?		11	A. Mr. Libutti did.	
12	A. No.		12	Q. Mr. Libutti directly engaged --	
13	Q. You thought they were equally qualified?		13	A. Yes.	
14	A. Yes.		14	Q. Weren't you in charge of Human Resources	
15	Q. And your reason for selecting Mr. Oksuz		15	at this time?	
16	was that you think that Ms. LoRusso was still busy		16	A. Yes.	
17	with GA 2000 around February 2006?		17	Q. But Mr. Libutti found his own headhunter?	
18	MR. KOCIAN: Objection.		18	A. Yes. And we had a meeting with them, as a	
19	A. Yes.		19	matter of fact, and introduced them to me.	
20	Q. Is that correct?		20	Q. You didn't recommend this headhunter to	
21	A. Yes, it was one of the reasons.		21	Mr. Libutti?	
22	Q. I'm sorry, that was?		22	A. No.	
23	A. One of the reasons.		23	Q. Do you remember the name of the headhunter	
24	Q. What are the other reasons?		24	or the company?	
25	MR. KOCIAN: Other than what you have told		25	A. No, but it is in file.	
1	Gallo	47	1	Gallo	49
2	us already.		2	Q. All right. When did Mr. Libutti engage	
3	A. The selection of Mr. Oksuz to that		3	the headhunter?	
4	position was the result of a compromise among		4	A. I believe the end of 2005.	
5	Mr. Libutti, myself, and Mr. Marchese because of the		5	Q. Okay. Did the headhunter present any	
6	program of the restructure of the Administration		6	candidates?	
7	Department.		7	A. Many.	
8	MR. KORAL: Would you read that answer		8	Q. Were any of them qualified, in your	
9	back to me.		9	opinion, I mean?	
10	(Previous answer was read.)		10	A. Yes, they would be qualified with a long	
11	Q. So there was a restructure of the		11	process of training.	
12	Administration Department going on at this time?		12	Q. All the candidates presented by the	
13	A. Yes.		13	headhunter would have required a long process of	
14	Q. And when you say it was the result of a		14	training?	
15	compromise, I think I need that to be explained		15	A. Very correct.	
16	better. What was Mr. Libutti's position?		16	Q. Did Mr. Libutti want to hire one of them	
17	A. What was Mr. Libutti's position in		17	anyway?	
18	appointing Mr. Oksuz?		18	A. No, because they all were uneconomical,	
19	Q. Well, you said choosing Oksuz was a		19	very expensive.	
20	compromise.		20	Q. Did Mr. Libutti then suggest that you	
21	A. Yes, because Mr. Libutti asked me to		21	promote Mr. Oksuz?	
22	confer with headhunter in New York for the president		22	A. No. I suggested Mr. Libutti that to see	
23	of the HR position, as well as Mr. D'Oro's		23	if since Alitalia either way had to invest in	
24	replacement.		24	training in order to personalize the job and the	
25	Q. Let's just focus on Mr. D'Oro's		25	knowledge, according to the Alitalia necessity, to	

13 (Pages 46 to 49)

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	Gallo	58		Gallo	60		
1	Q.	The HR person from Rome was physically present?	2	A.	Yes.		
2	A.	As a matter of fact, following that, Tina went to Italy, I believe, two or three weeks. And she enrolled, she was enrolled at Berlitz School, Berlitz School in Italy, to learn some Italian. So that was, you know.	3	Q.	I thought the arrangement was that Mr. D'Oro would stay on and train Mr. Oksuz.		
4	A.	Yes. Together, till we could afford to have Mr. D'Oro as a consultant.	5	A.	Together, till we could afford to have Mr. D'Oro as a consultant.		
6	Q.	Berlitz, is that what you said?	7	Q.	Did he give you any other opinion about		
7	A.	Yeah.	8	Mr. Oksuz during the time he was still employed?	9	A.	No.
8	Q.	Okay. Did Tina get a letter of appointment signed by you and somebody else?	10	Q.	Have you ever spoken to Mr. D'Oro about		
9	A.	Probably.	11	Mr. Oksuz since you left Alitalia?	12	A.	Yes.
10	Q.	Do you remember signing a letter of appointment?	13	Q.	How many times?		
11	A.	I don't remember. I don't remember. Probably.	14	A.	Two, three, two, three times.		
12	Q.	You testified that Mr. Oksuz had the ability and potential to learn and that his qualifications included studying law in Turkey, having excellent computer-science skills, and able to learn; can you think of any other qualifications he had for that position?	15	Q.	When was the last time?		
13	A.	Time, time and dedication.	16	A.	March, April of last year.		
14	Q.	Time and dedication?	17	Q.	Of 2007?		
15			18	A.	That is correct.		
16			19	Q.	What was that conversation about?		
17			20	A.	In March, mainly his son that got engaged and his wife being transferred to Monte Carlo with an Italian bank.		
18			21	Q.	Did you discuss --		
19			22	A.	And he was --		
20			23	Q.	Did you discuss Mr. Oksuz in that		
21							
1	Gallo	59	1	Gallo	61		
2	A.	Dedication to job, you know. It was a job that you had to invest a lot of your own time.	2	conversation?			
3	Forget,	you know.	3	A.	No.		
4	Q.	Was the arrangement that Mr. Orlando D'Oro would stay on at least for some period of time as a consultant in order to train Mr. Oksuz?	4	Q.	Did you discuss Mr. Oksuz in any		
5	A.	Yes.	5	conversation that you had with Orlando D'Oro since			
6	Q.	And did that in fact happen?	6	you left Alitalia?			
7	A.	Yes.	7	A.	Yes.		
8	Q.	Yes?	8	Q.	All right. When was that conversation?		
9	A.	And Mr. D'Oro signed an agreement of consultancy.	9	A.	It was about a month, two months, after		
10	Q.	Prior to your departure from Alitalia in May of 2006, did Mr. D'Oro give you any opinion as to how Mr. Oksuz was doing in terms of performing the functions of the job?	10	that I was terminated that Orlando, Mr. D'Oro,			
11	A.	Yes. He said that I would have a lot to do in order to train Mr. Oksuz, which I knew.	11	called me and actually informed me of what I really			
12	Q.	So he said, I, Orlando D'Oro, will have a lot to do in order to train Mr. Oksuz?	12	already knew, that Mr. Oksuz alleged that I took			
13	A.	No, no, me.	13	advantage of him sexually, but I knew already			
14	Q.	You?	14	because I met with you.			
15	A.	Right.	15	And he told me why he should tell me what			
16	Q.	You were going to train Mr. Oksuz?	16	was going on. I had to learn it because Mr. Libutti			
17	A.		17	left the file. He made sure that people could read			
18			18	Mr. Oksuz's complaint, paper were nearby photocopy			
19			19	machine, something to that effect.			
20			20	Q.	And how did you answer Mr. D'Oro who asked		
21			21	you why didn't you tell me before?			
22			22	A.	I told him, well, Orlando, it's clear to		
23			23	me that this is part of a scheme, a plot.			
24			24	Q.	Is that all you said?		
25			25	A.	Something to that effect, yes.		

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1 Gallo 70
 2 Q. Mr. Gallo, the only question I'm going to
 3 ask you about this to begin with is do you recall
 4 seeing this before.
 5 A. I should remember.
 6 MS. KURZON: Could you identify it for the
 7 record?
 8 MR. KORAL: It's a memo, an email, from
 9 Ester LoRusso to Andrea Sciarresi, dated
 10 August 24, 2004, "Subject, My position."
 11 A. Yes, I didn't go through, but now I think
 12 I saw this.
 13 Q. Sorry?
 14 A. It was part of the complaint, and I think
 15 it's part of the investigation I remember.
 16 Q. Mr. Sciarresi either gave you a copy or
 17 showed it to you?
 18 A. I believe Mr. Libutti and DiClemente
 19 called me about this. I don't remember. I don't
 20 remember.
 21 Q. If you don't remember, that's fine, but
 22 you can just say that.
 23 So you don't remember Mr. Libutti sending
 24 a copy to you?
 25 A. No.

1 Gallo 72
 2 that correct?
 3 A. Yes, I proposed it.
 4 MR. KORAL: Let's mark, as Gallo Exhibit
 5 2, a letter to Ester LoRusso, confidential,
 6 dated September 1, 2004, signed by Andrea
 7 Sciarresi and Giulio Libutti.
 8 (Gallo Exhibit 2, document Bates stamped D
 9 035, marked for identification, as of this
 10 date.)
 11 Q. Mr. Gallo, will you take a look at that.
 12 And my question will be have you seen that before.
 13 A. Yes.
 14 Q. Did you approve this appointment at the
 15 time it was made?
 16 A. Not only approved but suggested.
 17 Q. Not only approved but suggested, okay.
 18 I'm going to show you an email, dated
 19 Wednesday, September 1, 2004, from Ester LoRusso, to
 20 Andrea Sciarresi, with a copy to Giulio Libutti.
 21 And I will ask you, once you get to see it, whether
 22 you have seen it before.
 23 (Gallo Exhibit 3, document Bates stamped D
 24 212, marked for identification, as of this
 25 date.)

1 Gallo 71
 2 Q. Okay. Wasn't Mr. Sciarresi hospitalized
 3 just around this time that this was written,
 4 August 24, 2004?
 5 A. Maybe.
 6 Q. He was hospitalized at some point?
 7 A. Definitely.
 8 MR. KOCIAN: Definitely what?
 9 A. He was hospitalized.
 10 MR. KOCIAN: Just always wait for Counsel
 11 to finish his question because I didn't even
 12 hear the tail end of that question.
 13 Q. Do you recall that he was hospitalized
 14 sometime in the late summer of 2004?
 15 THE WITNESS: I answer?
 16 MR. KOCIAN: Of course. Always answer.
 17 A. I remember that he was hospitalized in
 18 summer 2004.
 19 Q. And while Mr. Sciarresi was hospitalized,
 20 did you and Ms. DiClemente cover the functions of
 21 the HR Department, except what Angela Ross was
 22 doing?
 23 A. Yes.
 24 Q. I believe you testified already that you
 25 found the position in GA 2000 for Ms. LoRusso; is

1 Gallo 73
 2 Q. Have you seen it before, Mr. Gallo?
 3 A. Yes, Mr. Libutti showed me.
 4 Q. Did you ever speak with an attorney named
 5 Cynthia Gill?
 6 A. In this reference here?
 7 Q. Have you ever spoken to a Cynthia Gill?
 8 A. No, I don't think so.
 9 Q. So you did not speak with her in
 10 connection with Ms. LoRusso's complaints?
 11 A. This, yes, no.
 12 Q. Do you know if anybody from Alitalia spoke
 13 to Ms. Gill?
 14 A. I don't know.
 15 Q. Mr. Sciarresi, for example, never told you
 16 he spoke to her?
 17 A. No.
 18 Q. In this email, Ms. LoRusso said that the
 19 offer of a unilateral transfer is not an offer of
 20 promotion, in the second paragraph; do you see that?
 21 A. Yes.
 22 Q. My question is, you testified previously
 23 that going from director to managing director is a
 24 promotion; do you disagree with Ms. LoRusso here?
 25 A. Do I agree with this?

19 (Pages 70 to 73)

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1	Gallo	74	1	Gallo	76
2	Q. Do you disagree with Ms. LoRusso?		2	what happened at that meeting?	
3	A. Yes.		3	A. Yes.	
4	MR. KORAL: This has already been marked		4	Q. Okay.	
5	as Defendants' Exhibit 13 in Ms. LoRusso's		5	MR. KOCIAN: Do you need to read it more?	
6	deposition. I don't see any reason to remark		6	THE WITNESS: No, but this goes back to	
7	it, do you?		7	the other day, deposition, whereby it seemed	
8	MS. KURZON: No, that's fine.		8	that --	
9	MR. KORAL: I have copies.		9	MR. KOCIAN: Just wait for a question.	
10	Q. Mr. Gallo?		10	Q. Did you consider following this meeting	
11	A. Thank you.		11	that Ms. LoRusso's discrimination complaints had	
12	MR. KORAL: I think we will mark this, as		12	been addressed by you?	
13	well, as Gallo Exhibit 4.		13	MS. KURZON: Objection.	
14	(Gallo Exhibit 4, document Bates stamped D		14	THE WITNESS: Repeat that question.	
15	0001 through 04, marked for identification, as		15	(Pending question was read.)	
16	of this date.)		16	A. If it was necessary, I would have	
17	Q. Mr. Gallo, have you seen this before?		17	continued. I was under the impression that still,	
18	A. Yes.		18	still disappointed.	
19	MS. KURZON: Have you identified it for		19	Q. Did you feel that any further	
20	the record?		20	investigation was necessary at this time?	
21	MR. KORAL: No, I don't usually do that,		21	A. No.	
22	actually, but since you like it done that way,		22	MR. KORAL: Let's take a look at a memo	
23	I will be chivalrous.		23	from Ester LoRusso, to Giulio Libutti, dated	
24	MS. KURZON: Thank you.		24	the Thursday, September 16th. It is also	
25	MR. KORAL: It is a memo to file from		25	addressed to Francesco Gallo, that's	
1	Gallo	75	1	Gallo	77
2	Stephanie DiClemente, the Manager of Employee		2	September 16, 2004.	
3	Relations and Organizational Development, dated		3	(Gallo Exhibit 5, document Bates stamped D	
4	September 2, 2004, re. notes of meeting with		4	211, marked for identification, as of this	
5	Ester LoRusso and Francesco Gallo.		5	date.)	
6	Q. Mr. Gallo, my question is, did you regard		6	Q. And I will ask whether you remember	
7	this meeting that you had with Ester LoRusso that is		7	receiving it.	
8	memorialized in Ms. DiClemente's notes to constitute		8	MR. KORAL: It will be marked Gallo	
9	your investigation of Ms. LoRusso's allegations of		9	Exhibit 5.	
10	discrimination?		10	Q. Mr. Gallo, are you waiting for me to ask	
11	A. May I read this?		11	you a question?	
12	MR. KOCIAN: Yes, please.		12	A. Yes.	
13	Q. If you want to read it, you can read the		13	Q. Oh, I'm sorry. I thought you were	
14	whole thing.		14	studying the document.	
15	A. Yes, thanks.		15	A. No, I have memory.	
16	Q. I will also represent that there are		16	Q. Oh. My question to you is whether you	
17	marginal notes made here and that those are notes		17	recall receiving this email.	
18	made by Mr. Libutti. Ignore the Libutti notes for		18	A. Yes.	
19	the time being.		19	Q. Did you investigate this complaint?	
20	A. Doesn't make any sense to me, well, I		20	A. Yes, I spoke to Mr. Libutti and I believe	
21	remember, I have seen this.		21	I spoke to Mr. Galli as well.	
22	Q. Without agreeing that this is a verbatim		22	Q. Okay. Did you do any other investigation?	
23	transcript of that meeting that you attended with		23	A. No.	
24	Ms. DiClemente and Ms. LoRusso, does this memo seem		24	MR. KORAL: Let's mark, as Gallo Exhibit	
25	to you to be substantially an accurate record of		25	6, a memo, dated September 17, 2004, marked	

20 (Pages 74 to 77)

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1 Gallo 82 2 the list of people who would be invited; is that 3 what you said? 4 A. The list would have been prepared by the 5 Marketing Department and Mr. Libutti and Mr. Galli 6 would approve the participants. 7 Q. I don't want to know what would have 8 happened, I want to know what did happen. 9 Did you know for a fact that Mr. Libutti 10 and Galli approved a list prepared by Rome's 11 Marketing Department? 12 A. According to what Mr. Libutti told me, and 13 Mr. Galli, yes. 14 Q. You remember? 15 A. Yes, sure, because we had an argument, as 16 I said before. 17 Q. What was the argument about? 18 A. That it was unnecessary not to invite 19 Ester LoRusso to a sales meeting. 20 Q. You had this argument in response to 21 Ester's complaint in her email or memo, sorry, of 22 September? 23 MS. KURZON: 16th, I believe. 24 Q. In her email of September 16th? 25 A. It was, you know, a problem,	1 Gallo 84 2 A. Yes. 3 Q. Did you give your opinions about who 4 should be invited when you would see those lists? 5 A. Yes. 6 Q. Do you recall seeing a list of people to 7 be invited to this meeting that Ms. LoRusso was 8 complaining about and noticing that her name wasn't 9 there? 10 A. No, I don't think so. 11 Q. Okay. 12 MR. KORAL: Let's look at a document, it's 13 a memo, confidential, to Ester LoRusso, dated 14 October 13th of 2004, signed for Andrea 15 Sciarresi by Stephanie DiClemente and by Giulio 16 Libutti. We will mark that Gallo 7. 17 (Gallo Exhibit 7, document Bates stamped D 18 0037, marked for identification, as of this 19 date.) 20 Q. My question is, do you recall seeing this 21 before? 22 A. I wrote it. 23 Q. You wrote it, okay. 24 A. Yes. 25 Q. And you directed Stephanie DiClemente to
1 Gallo 83 2 September 16th was about the issue, the invitation, 3 not to extend the invitation or not to have Ester 4 participate to the sales meeting, which she has been 5 participating for the last 20 years. 6 Q. When did you have that argument with 7 Mr. Libutti? 8 A. I don't remember. 9 Q. I mean, was it in response to Ms. 10 LoRusso's September 16th memo, was it in connection 11 with the preparation of this September 17th memo? 12 MR. KOCIAN: Objection. 13 Q. Or was it at some other time? 14 MR. KOCIAN: Objection. In addition to 15 what he told us already? I think he was clear 16 that it was not, I believe, in response to this 17 particular -- 18 A. No, it wasn't, right. I remember the 19 facts, I don't remember chronologically when did 20 this happen. 21 Q. Did you have any input into who would 22 attend sales meetings? 23 A. No. 24 Q. Did you ever see lists of people who would 25 be invited before the invitations went out?	1 Gallo 85 2 sign for Mr. Sciarresi? 3 A. Probably I was out or Mr. Sciarresi was 4 out. 5 Q. So you said, Stephanie, sign for 6 Mr. Sciarresi? 7 A. Automatically. 8 Q. It was automatic? 9 A. Yeah. 10 Q. And you agree that the promotion was in 11 fact effective November 1, 2004? 12 A. Yes. 13 Q. And you did not regard the promotion to 14 general manager of GA 2000 as discriminatory, did 15 you? 16 MR. KOCIAN: Objection. 17 MS. KURZON: Objection. Objection. 18 (Pending question was read.) 19 A. No. 20 Q. Let us look at what I think will be the 21 final document I need to show you. We will mark it 22 Gallo Exhibit 8. It's a memo dated October 25, 23 2004, from Stephanie DiClemente to file, re. 24 Libutti's rebuttal reference LoRusso's claim. 25 (Gallo Exhibit 8, document Bates stamped D